

REMARKS

Claims 1-7, 9-15, 18-34, 55 and 62-74 were previously pending in this application. Claims 1, 9-11, 13, 18, 33, 34, 55, 62 and 63 are amended. Claim 74 is cancelled. New claims 75-88 are added. As a result claims 1-7, 9-15, 18-34, 55 and 62-73 and 75-88 are pending for examination with claims 1, 13, 18, 62 and 79 being independent claims. No new matter has been added. The newly-added claims are directed to the elected invention and therefore should be examined pursuant to MPEP 821.03. Support for the new claims can be found at least in FIGS. 5-7.

Status of Claim Amendments

The Advisory Action mailed August 28, 2007 indicates that the amendments included in the After Final Amendment, filed August 15, 2007, were not entered because the amendments “raise new issues that would require further consideration and/or search.” Applicant expressly requests entry of the After Final Amendment in view of the Request for Continued Examination included herewith. The listing of claims included herein reflects the status of the claims following the entry of the After Final Amendment. Accordingly, the further amendments provided herein are highlighted relative to the claims as previously amended in the After Final Amendment.

Claim Rejections

The Office Action rejects claims 1-3, 5, 7, 9-14, 18-20, 22, 24, 26-27, 30, 32-34, 55, 62-64, 66, and 67-73 under 35 U.S.C. §102(e) as being anticipated by Anscher. The Office Action rejects claims 6, 23, 31 and 67 under 35 U.S.C. §103(a) as being unpatentable over Anscher in view of U.S. Patent No. 5,507,610 to Benedetti et al. (hereinafter “Benedetti”). The Office Action rejects claims 4, 15, 21, 25, 28-29 and 65 under 35 U.S.C. §103(a) as being unpatentable over Anscher. The Office Action rejects claim 74 under 35 U.S.C. §103(a) as being unpatentable over Anscher in view of U.S. Patent No. 4,681,552 to Courtney (hereinafter “Courtney”). These claim rejections are addressed in detail in the remarks included in the After

Final Amendment. Those detailed remarks continue to apply and are not repeated in-full herein but are summarized below.

First, in the interest of completeness, the embodiments illustrated in Figures 14, 15a and 15b of Anscher are not prior art to the instant application because the portion of Anscher that discloses Figures 14, 15a and 15b was filed four months after the filing date of the Applicant's priority application. Accordingly, the following remarks address the patentability of the claims in view of the remainder of Anscher, i.e., in view of Figures 1-13 and the associated description.

In summary, Applicant respectfully asserts that each of the independent claims is patentably distinct in view of Anscher because Anscher does not describe a fastener assembly including a latch with a surface to which a force is applied to release the fastening element from the fastener where the latch is connected to a flexible portion of a base and each of the flexible portion of the base and the surface of the latch is externally accessible with the fastening element retained in the housing.

In contrast to the preceding, Fig. 9 of Anscher illustrates a flexible arm 21 which has a free end extending away from wall 19 with a protrusion 23 and a rigid (i.e., inflexible) transverse bar 22 at the free end of the arm 21. (Col. 3, lines 40-48.) Fig. 2 of Anscher illustrates the base attached to a backpack while Fig. 5 of Anscher illustrates a cross-sectional view of the hydration tube holder inserted into the base. (See Figs. 2 and 5.) As illustrated in Figs. 2 and 5, Anscher does not describe that "a flexible portion of the base ... is externally accessible with the fastening element retained in the housing," as recited in each of independent claims 1, 13 and 62. Instead, the hydration tube holder of Anscher blocks access to the flexible arm 21 when it is inserted into the base.

Independent claim 18 recites "a latch positioned relative to the housing that in combination with the housing retains the fastening element, wherein the latch comprises a first portion to which pressure is applied when the fastening element is moved into engagement with the fastener and a second portion comprising a third surface disposed intermediate the first surface and the second surface upon which the fastening element rests when in an engaged position, at least a portion of the third surface being substantially parallel to the first surface, wherein the first portion is connected to the base external to the housing. Thus, claim 18 recites

a latch having a first portion and a second portion. Pressure is applied to the first portion, the fastening element rests on a surface of the second portion and the first portion is connected to the base external to the housing. Anscher does not describe a latch that includes a first portion connected to the base external to the housing where the fastening element rests on a surface of the second portion of the latch. That is, if one were to interpret Anscher as describing that the flexible arm 21 is a part of a base, then Anscher fails to describe that a fastening element rests on a surface of the second portion of the latch. Alternatively, if one were to interpret Anscher as describing that the flexible arm 21 is a part of a latch, then the latch is connected to the base at the housing (at the wall 19) and is not connected external to the housing. Accordingly, Anscher fails to describe that a latch includes “a first portion to which pressure is applied ... wherein the first portion is connected to the base external to the housing,” as recited in claim 18.

Regarding the rejections under 35 U.S.C. §103 in view of each of Anscher alone, the combination of Anscher in view of Benedetti, and the combination of Anscher in view of Courtney, Applicant respectfully asserts that the claims are patentable in view of these references alone or in proper combination at least because none of references teach or suggest that “a flexible portion of the base ... is externally accessible with the fastening element retained in the housing,” as recited in each of independent claims 1, 13 and 62. Further, these references do not teach or suggest a first portion of a latch is connected to the base external to a housing as recited in claim 18.

For all of the above reasons, Applicant respectfully asserts that independent claims 1, 13, 18 and 62 are patentable in view of the cited references. Further, each of claims 2-7, 9-12, 14, 15, 19-34, 55 and 63-74 depend either directly or indirectly from one of independent claims 1, 13, 18 and 62. Applicant respectfully asserts that all of the pending claims are patentable in view of the cited references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-7, 9-15, 18-34, 55 and 62-74.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

A petition and fee for a one month extension of time are included herewith. If this response is not considered timely filed in view of the petition and fee, and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. C0852-7013.

Respectfully submitted,
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